

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Judge Tracie M. Hunter	:	CASE NO. <u>1:16-cv-00996</u>
Plaintiff,	:	(Judge Michael Barrett)
v.	:	
HAMILTON COUNTY BOARD OF ELECTIONS	:	<u>PLAINTIFF’S REQUEST FOR PRODUCTION OF DOCUMENTS</u>
Defendant.	:	

INSTRUCTIONS

1. Pursuant to Rule 34 of the Federal Rules of Civil Procedure (FRCP), Plaintiff Judge Tracie M. Hunter (“hereafter Judge Hunter”) submits the following request for production of documents from Defendant Hamilton County Board of Elections (“hereafter BOE”).
2. Pursuant to Rule FRCP Rule 34(a), Defendant acknowledges that these requests are limited to the scope of FRCP Rule 26(b), and requests that when Defendant is unable to produce documents that they allege fall outside of such scope, Defendant provides an explanation as to why they fall outside the scope.
3. Pursuant to FRCP Rule 34(b)(2)(E), Plaintiff requests that when Defendant does produce the requested documents, including electronically stored information (ESI), Defendant will produce such documents or ESI as they are kept in the usual course of business or will organize and label them to correspond to the categories in the request.

DEFINITIONS

- A. The words “any” and “all” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. Furthermore, the use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

- B. “Communication” and “communications” means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, notes, telegrams, facsimiles, electronic mail (e-mail), memoranda, documents, writings, or other forms of communications, including but not limited to both oral and written communications.
- C. “Copies of” as set forth in the Instructions to this motion means authentic duplicates of the originals as noted, kept, maintained, and organized by Defendant in the ordinary course of business.
- D. “Defendant” means any and all current or former board members, employees, agents, consultants, contractors, investigators, attorneys or subcontractors of Defendant BOE.
- E. “Discussion” “discussions,” “discuss,” “discusses” “mention” “mentions” “describe” “describes” “analyze” or “analyzes” means any and all inquiries, conferences, conversations, agreements or other forms or methods of oral communication or such dialogue sent via e-mail, facsimile, letter, text, or other written communication.
- F. “Document” “documents” “ internal communication” “internal communications” “record” “records,” “written communication” “written communications,” and “written correspondence” means all data, papers, transcriptions, pictures, drawings or diagrams of every nature, whether transcribed by hand or by some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, including written papers or memoranda which summarize oral conversations, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: records; reports; agreements; video, audio and other electronic recordings; lists, memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads; notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail); facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards; letters; telegrams; publications; inter- and intra-office communications; photocopies; microfilm; maps; drawings; diagrams; analysis; transcripts; electronically stored information (ESI) and any other documents within defendant’s possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English.

- G. “Electronically stored information” and “ESI” means any Information on operational systems including accounting, financial, distribution, or E-mail; Instant Messages (IM); Web pages; text messages; cell phone data; Excel spreadsheets and underlying formulae; metadata; computer databases (i.e., Access); erased, fragmented or damaged data; and anything stored on computer or other electronic means located on or in, but not limited to cache memory; optical disks; magnetic tapes/back-up tapes; magnetic disks (hard drive, floppy disks, etc.); cell phones; or USB drives.
 - H. The words “or” and “and” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. The use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa.
 - I. The singular form of any noun shall be deemed to include the plural, and vice-versa.
 - J. “Request,” and “Requests” mean and are limited to the numerical requests set forth in this motion for production of documents prepared, created or maintained by employees, agents consultants, contractors, subcontractors, investigators, attorneys, and any other persons or entities acting or purporting to act on behalf of the Defendant.
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DOCUMENT REQUESTS

- 1. Any and all written correspondence between any employee, agent or clerk of the Hamilton County Clerk’ of Court’s Office and Defendant regarding Judge Hunter between October 14, 2014 and the present date.
- 2. Any and all records of oral communications between Defendant and the Hamilton County Clerk of Courts between October 14, 2014 and the present date regarding any and all individuals disenfranchised due to a felony conviction.
- 3. Any and all internal and external communications between January 10, 2014 and the present date that mention Judge Tracie M. Hunter aka Tracie Hunter.
- 4. Any and all internal communications between any of the following parties: Sherry Poland, Tim Burke, Alex Triantafilou, Caleb Faux, Charles H. Gerhardt, III, Amy Searcy and/or Sally Krisel and any other employee or agent of Defendant regarding Plaintiff, past or present.
- 5. Any and all written communication or records of oral communications between any of the aforementioned parties named in #4 and any representatives of any media outlets, including but not limited to, print, broadcast and/or electronic.

6. Any and all voting records compiled, updated, amended or maintained from Precinct 15c between October 14, 2014 and present that contain Plaintiff's name.
7. Any and all written or oral communications that discuss Judge Hunter's eligibility as a candidate for office on any date from January 1, 2014 to present.
8. The name of all of the software systems used by the Defendant and the function or purpose of each of those systems operated by Defendant from January 1, 2014 to present.
9. A user guide for each of the software systems used by Defendant in #8.
10. The name of the Companies that supply the software systems referenced in #8.
11. The name of every person that has access to the system, has used or can use the system(s) maintained and/or operated by the Defendant in #8, including anyone who is no longer employed by the Defendant.
12. Any and all communications regarding the eligibility of all candidates for the office of Common Pleas Court of Hamilton County Juvenile Division between January 1, 2014 and present date.
13. Any and all communications between Defendant and the Secretary of State and any of its employees, elected officials or agents between January 1, 2014 and the present date regarding Judge Hunter.
14. Any and all communications between Defendant and the Ohio Supreme Court and any of its employees, elected officials or agents between January 1, 2014 and the present date regarding Judge Hunter.
15. Any and all communications between Defendant and the Ohio Attorney General and any of its employees, elected officials or agents between January 1, 2014 and the present date regarding Judge Hunter.
16. Any and all communications between Defendant and the Office of the Governor of the State of Ohio and any of its employees, elected officials or agents between January 1, 2014 and the present date regarding Judge Hunter.
17. The voting registration list as it existed December 31, 2014 for Precinct 15C.
18. The voter registration list as it existed December 14, 2015 for Precinct 15C.
19. The voter registration list as it existed February 28, 2016 for Precinct 15 C.
20. The voter registration list as it existed September 13, 2016 for Precinct 15C.

21. The voter registration list as it existed September 22, 2106 for Precinct 15 C.
22. The voter registration list as it existed September 27, 2106 for Precinct 15 C.
23. The voter registration list as it existed September 30, for Precinct 15 C.
24. The name(s) of all individuals responsible for processing and/or approving and or/denying and/or imputing voter registrations applications in the computer system, including updating or removing names.
25. The names of all Defendants involved in determining which candidates will or will not be accepted for candidates of any elected office.

Respectfully submitted,

/s/ Tracie M. Hunter

Tracie M. Hunter, Judge

PO Box 32325

Cincinnati, Ohio 45232

PHONE: (513) 662-6247

E-MAIL: t.m.hunter.1234@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day October 27, 2016 I emailed the foregoing document to the following individuals: Mr. Shawn Judge, Two Miranova Place, Ste. 700 Columbus, Ohio 43215-5908 at sjudge@isaacwiles.com; and Mr. Mark Landes, mlandes@isaacwiles.com; and I electronically filed the foregoing document with the Clerk of Court, United States District Court for the Southern District of Ohio, using the CM/ECF system, which will send notification to all parties of record.

/s/ Tracie M. Hunter

Tracie M. Hunter, Judge